

Exhibit B

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DOE, et al.,

Civil Action No. 2:17-cv-00178JLR

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

JEWISH FAMILY SERVICE OF
SEATTLE, et al.,

Civil Action No. 2:17-cv-01707JLR

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

**DECLARATION OF JENNIFER B.
HIGGINS IN SUPPORT OF
DEFENDANTS' NOTICE OF
COMPLIANCE WITH
PRELIMINARY INJUNCTION**

(RELATING TO BOTH CASES)

I, Jennifer B. Higgins, for my Declaration pursuant to 28 U.S.C. § 1746, hereby state and depose as follows:

1. I am the Associate Director of the Refugee, Asylum and International Operations (RAIO) Directorate at U.S. Citizenship and Immigration Services (USCIS), within the Department of Homeland Security (DHS). I have held this position since 2017. In my current position, I oversee RAIO operations, which includes conducting refugee

1 processing activities in more than 60 international locations over the course of a typical
 2 fiscal year; processing requests for asylum at eight Asylum Offices domestically; and
 3 providing immigration services at USCIS offices in 21 countries abroad. I submit this
 4 Declaration in support of Defendants' Notice of Compliance with Preliminary
 5 Injunction. The statements made herein are based on my personal knowledge and
 6 information made available to me in the course of carrying out my duties and
 7 responsibilities as Associate Director.

- 8 2. On December 24, 2017, I notified RAIO officers regarding the District Court's issuance
 9 of a nationwide injunction so that officers could comply with and implement the
 10 injunction. That notification instructed officers to release all following-to-join refugee
 11 cases previously on hold and continue to process them under procedures in effect prior
 12 to implementation of the Joint Memorandum. It also explained that the Department of
 13 State was providing separate guidance to Resettlement Support Centers (RSCs) to
 14 resume processing refugee cases for nationals of (and stateless persons who last
 15 habitually resided in) the 11 countries subject to Security Advisory Opinions (SAO) who
 16 have a bona fide relationship to a person or entity within the United States.
- 17 3. RAIO works closely with the Department of State's Bureau of Population, Refugees,
 18 and Migration (PRM) to schedule circuit rides of USCIS officers to interview refugee
 19 applicants. While some refugee applicants are interviewed in locations where USCIS
 20 officers are posted,¹ the vast majority are interviewed by sending staff on circuit rides to
 21 locations where USCIS does not have a presence in order to conduct in-person
 22 interviews of refugee applicants and adjudicate their applications for resettlement in the
 23 United States. No such circuit rides were in progress on December 23, 2017, but
 24 planning was underway for the second quarter of the fiscal year (January 1–March 31).

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 26 ¹ USCIS has 24 offices in 21 countries abroad, but generally only interviews refugee
 applicants in four of those locations—Bangkok, Havana, Moscow, and New Delhi.

Preparation for such circuit rides requires significant lead time and resources, which includes prescreening of applicants by the RSCs, travel and logistical planning for RAIO Officers (e.g., obtaining visas, verifying/obtaining necessary vaccinations, obtaining country clearances from the relevant U.S. embassy, and making travel and lodging reservations), as well as scheduling and delivering site-specific pre-departure training to RAIO Officers and necessary briefings in-country upon arrival. For locations with significant numbers of SAO nationals, the time necessary for obtaining visas is typically 3 weeks for Jordan, 4 weeks for Turkey and Egypt, 6 weeks for Iraq, and 10 days for Kenya.

4. The current schedule for circuit rides for the second quarter of fiscal year 2018 is attached as Exhibit 1 to this Declaration. Because of the lead time necessary to schedule circuit rides, RAIO and PRM began scheduling and preparation for the second quarter circuit rides in October 2017. In November, PRM, regional RSCs, and USCIS's Refugee Affairs Division (RAD) staff corresponded to come to agreement on certain circuit ride locations and the number of cases to be scheduled for interview in those locations, while RAD also evaluated its available staffing capacity. RAD created day-by-day schedules for each location where there was initial agreement, including information on staffing, processing dates, and numbers of applicants to be interviewed, and shared that information with PRM and the RSCs by the end of December, but before December 23. RAD desk officers then corresponded with relevant U.S. embassy contacts and RSCs on logistics and other necessary arrangements. RAD desk officers also began to work with staff members who had been identified to travel to discuss necessary visa and travel paperwork and to launch trip preparations. In addition, the International Operations Division's (IO) international district management identified which staff posted abroad were available for refugee processing during the PRM-proposed dates and in locations where IO has primary jurisdiction. By mid-to-late

1 December, but before December 23, 2017, second-quarter circuit rides for IO staff were
 2 scheduled once staff availability was confirmed. At the time of these preparations,
 3 USCIS and PRM were operating under the understanding that the Joint Memorandum's
 4 SAO provision would remain in full effect for 90 days from October 23, 2017, through
 5 January 22, 2018. Accordingly, circuit rides were not scheduled to take place in
 6 locations with heavy SAO populations. It is not feasible to state with particularity which
 7 locations would have been selected for circuit rides in the second quarter in the absence
 8 of the Joint Memorandum.

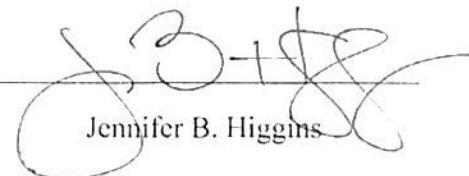
- 9 5. I understand that on December 26, 2017, PRM's Admissions Office asked their overseas
 10 network of RSCs whether there were any SAO nationals who were ready for interview
 11 and who could be added to the second-quarter circuit ride schedule, in order to comply
 12 with the Court's injunction. As a result of this request, additional interviews for SAO
 13 nationals have been added to the circuit rides to Indonesia, Nauru, and Manus, and
 14 USCIS staff expect to interview these additional cases in the second quarter.
- 15 6. All available RAIO officers² will be participating in the circuit rides currently planned
 16 for the second quarter. Thus, the scheduling of additional circuit rides in order to
 17 interview more SAO nationals during the second quarter would require RAIO to either
 18 divert USCIS officers from other important agency priorities or cancel already-
 19 scheduled circuit rides in order to make those officers available for newly scheduled
 20 circuit rides in locations with a high percentage of applicants of SAO nationalities.
- 21 7. I understand that the U.S. Department of State plans to request for the third quarter
 22 circuit rides in locations where greater percentages of SAO nationals are ready for
 23 interviews, namely, Iraq, Jordan, Turkey, and potentially, Kenya. In response to the

25 2 Officers who are assigned to other mission-critical tasks such as adjudicating asylum
 26 claims, assisting with a major fraud investigation in the refugee program, or who are departing
 for other positions, or are otherwise unable to travel in the second quarter for personal reasons
 are not considered "available."

1 State Department's request, and in furtherance of DHS's compliance with the Court's
2 injunction, DHS will aim to establish a third quarter circuit ride schedule³ that will
3 include locations where SAO nationals are ready for interview, in order to process such
4 applications consistent with its existing authorities and all applicable screening
5 requirements.

6 8. I declare under penalty of perjury that the foregoing is true and correct. Executed on

7 January 19, 2018.

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Jennifer B. Higgins

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26 ³ Circuit rides schedules are always subject to modification based on changed circumstances, such as the availability of visas or the security situation in a given location.

Exhibit 1

Current Schedule for USCIS Circuit Rides for Second Quarter of Fiscal Year 2018

USCIS's refugee circuit ride schedule for the second Quarter (Q2) of FY18 (Jan. 1- March 31, 2018) is as follows (as of January 19, 2018*):

- San Salvador, El Salvador: January 2 – February 2
- Tegucigalpa, Honduras: January 7 – January 19
- Kyiv, Ukraine: January 22 – March 6
- Dzaleka, Malawi: January 22 – February 6
- Burundi: January 27 – February 22
- Rwanda: January 27 – February 22
- Tanzania: January 27 – February 22
- Uganda: January 27 – February 22
- Thailand: January 27 – February 22
- Malaysia: Jan 30 – February 22
- Otjiwarongo, Namibia: February 12 – February 22
- Nauru: February 20 – March 13
- Indonesia: February 20- March 14 (dates are tentative)
- Solwezi, Zambia: February 28 – March 15
- Guinea: March 1 – March 13
- Ivory Coast: March 14 – March 22
- Durban, South Africa: March 19 – March 23
- Papua New Guinea: March 18-April 10
- Pakistan: April 4 – April 13 (dates are tentative)

USCIS also interviews some refugee applicants at international field locations as part of the regular workload. These cases are limited in number, scheduled on an as-needed basis, and occur primarily in Bangkok, Thailand; Moscow, Russia; and New Delhi, India.

* Circuit rides schedules are always subject to modification based on changed circumstances, such as the availability of visas or the security situation in a given location.